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HUNTON & WILLIAMS Suite 1200 1900 K Street, N.W. Washington, DC 20006-1109			ROBERTSON, DAVID	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/830,115	ECKART ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Dave Robertson	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 04 February 2008.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,3-10,12,13,15-25,27-33,35-42,44,46-55,57-63 and 100-102 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,3-10,12,13,15-25,27-33,35-42,44,46-55,57-63 and 100-102 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____ .                        |

**DETAILED ACTION**

1. This is a Non-final office action after the filing of a Request for Continuation received 2/4/2008. Claims 1, 3-10, 12-13, 15-25, 27-33, 35-42, 44, 46-55, 57-63, and 100-102 are pending.

***Continued Prosecution Application***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/4/2008 has been entered.

***Response to Amendment***

3. Applicant amends claims 10, 12, 30, 37, 38 and 102 to provide proper antecedent basis by amendments to claim dependencies. Accordingly, all rejections under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, of the prior office action are withdrawn.

4. Applicant amends pending claims to more distinctly recite the submitting business as source and agent for receiving therefrom an electronic data file containing trial balance accounting information. These and other amendments requiring new search and/or consideration are addressed on the merits below.

***Response to Arguments***

5. Applicant's arguments filed 2/4/2008 with respect to claims 33, 35-37, 42, 44, 46-49, 51-54, and 101 rejected in the prior office action under 35 U.S.C. 102(e) as being anticipated by Lewis (US Pat. 6,513,019 "Financial Consolidation and Communication Platform") are persuasive to the extent that the claims now include limitations formerly presented in claims rejected as *obvious* over Lewis under 35 U.S.C. 103(a).

Accordingly, the rejections of claims 33, 35-37, 42, 44, 46-49, 51-54, and 101 as anticipated by Lewis are withdrawn, however, certain of Applicant's arguments remain relevant as to obviousness over Lewis under 35 U.S.C. 103(a). These arguments have been fully considered herein but are not persuasive:

Applicant argues a "fundamental difference" between the claimed invention and Lewis in that the present invention is concerned with "collecting, standardizing, analyzing, and reporting on private company financial data to create a database of private company data that mirrors the kind of information typically only available for public companies," (See Remarks, bottom of page 19 to page 20 top), while Lewis is otherwise concerned with collecting financial data corresponding to securities," (Remarks page 20) and "forecasting the trends in securities based on positions in securities..." (Remarks page 24). Specifically with respect to the claims, Applicant's argument is that while Lewis' system and the present invention "may share some basic components," (Remarks, page 20, line 7), nowhere in Lewis is there discussion of obtaining private company financial data from a submitting business' general ledger accounting system, or specifically a *trial balance report* and creating a standardized

database of standardized private company financial data therefrom. (See Remarks, page 22, mid-page).

Examiner respectfully disagrees: While Lewis' intended use is for the securities industry and its main operation the processing of transactions involving changes in client businesses' securities positions, thereby accumulating a general ledger database of financial account position for the client companies (column 3 from line 17), this is but one mode of Lewis. An aggregation of financial transactions into a database for summarizing the balance of financial accounts in a general ledger-based accounting system is well-known in the art as a form of *trial balance*. Lewis is expressly also concerned with "firm profitability, general ledger, and financial statement activities [which] also involve time sensitive assessment and refinement of account activities and transactions (column 3 from line 22). Further, contrary to Applicant's assertion, Lewis explicitly teaches receiving accounting information from legacy customer or counterparty ledger-based accounting systems (see column 19 from line 37: describing acquiring data files from legacy accounting systems), and discloses this information as categorized in accounts classified by a chart of accounts (see column 14 line 57).

6. Accordingly, with adjustment as to the specific grounds of rejection over Lewis as per amendments to the claims pending, the following new and updated rejections are provided below.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 3-10, 12, 13, 15-25, 27-33, 35-42, 44, 46-55, 57-63, and 100-102 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis (US Pat. 6,513,019) in view of MaGuire, III et al (US Pat. Pub. 2004/0059651).

Lewis teaches a system and means for standardizing, aggregating, consolidating, structuring and integration, storage, alerting, and distribution of private company financial data (see Background, columns 1-2), including automated methods of online aggregation of accounting data to a central standardized database by obtaining, converting, analyzing, and reporting business performance information from one or more businesses, converting the performance information to standardized performance classifications, and from the converted performance information, calculating performance metrics on which a variety of alerts produced and communicated to the requesting party.

MaGuire discloses automated methods of a financial reporting system for generating financial reports from financial applications and accounting systems having different accounting standards and formats. MaGuire describes a system which incorporates the Oracle Financial Statement Generator™ and NEON™, two commercial packages which translate financial information from disparate accounting systems using

a table-based conversion map, in a system which reports on financial performance of firms or divisions using different national accounting standards.

Specifically, with respect to the claims of the present invention:

Claim 1

*Lewis teaches receiving a report from a contributing business from a contributing business as an electronic data file, the report containing performance information associated with the contributing business (see Figure Items 100 and 112, respectively, the “Interface Transformation Server” and the “Customer/Counterparty Information Server”, both receiving performance information in the form of electronic information, the former receiving electronic data on a transaction/message basis and the latter expressly receiving transaction/message data and as “legacy data files” at column 19 line 43), the performance information originating from a financial accounting system used by the contributing business to maintain its accounting records (column 19 from line 37), the performance information having a first format based on a first set of performance classifications (column 14 from line 56: the chart of accounts of the business); storing the report as electronic data on a data processing system, the performance information in the report having a first format based on a first set of performance classifications (see Figure 4, Item 110 and related discussion); converting, using an automated process executing on the data processing system, the performance information in the report from the first format to a second standardized format (see column 14 from line 1, the system performing business rules from a business rule database against data from disparate sources into standardized business objects*

representing standard performance classifications); *aggregating the converted performance information with performance information associated with at least one other business thereby creating a standardized database of private company performance information* (see Figure 1 Item 115 and related discussion, the database storing accumulated, standardized data on one or more businesses); *analyzing the converted performance information associated with the business based in part on one or more performance metrics* (see numerous analysis modules at Figure 1 Items 150 and related discussion); *generating at least one electronic report based on the results; and automatically providing at least a portion of the electronic report to at least one requesting party* (see Figure 1 Item 190, the “Reporting Engine” and related discussion, esp. column 22 from line 7); however, Lewis does not expressly teach the report containing performance information is a trial balance report; and does not expressly teach converting... based at least in part on a conversion map...

With regard to teaching a trial balance report, Lewis teaches receiving information through the Customer/Counterparty Information Server from “typical sources” such as legacy customer or counterparty data files (see column 19 from line 37) the information represented by a ledger-based accounting system, i.e. financial accounting information in terms of debit and credit accounts), and Lewis expressly discloses information in accounts classified by a chart of accounts (see column 14 line 57). Lewis does not use the terminology “trial balance report” to describe the collection of offsetting transactions obtained from customers and counterparties, however, a *balance-sheet* of accounting transactions is well known in the art as a form of *trial*

*balance* as in MaGuire which *expressly* teaches receiving financial accounting performance information represented by performance classifications from financial statements produced in accordance with generally accepted accounting principles (GAAP), and *expressly* discloses reclassifying and grouping applicable financial accounts to handle GAAP conversion items such as certain *balance-sheet* items.

In view of MaGuire, it would have been obvious to one of ordinary skill in the art at the time of invention that the performance information contained in a trial balance report is substantially anticipated by the financial accounting information described by Lewis as received from financial accounting system of the Customer/Counterparty, the information stored in the form of a general ledgers with accounts classifications given by a chart of accounts (see, again, column 14 line 57 and column 19 from line 37).

Receiving performance information from a trial balance report containing performance information associated with a business, and the receiving of performance information associated with a business as in Lewis, would have been known to have the equivalent effect of obtaining from a trial balance report the performance (accounting) information on the business, with the effect and advantage of consolidating and aggregating the most accurate financial information available on the business, the accounting information as reported by the business' own ledger-based accounting.

With regard to converting... based at least in part on a conversion map, MaGuire expressly teaches the converting using automated processing from the first format to a second standardized format (see ¶ [0023]) based at least in part on a conversion map associated with the business (e.g. the mapping from JP GAAP to US GAAP performed

as described in [0029] using an “interface table of a general ledger application”, the conversion defining a correspondence between one or more performance classifications of the first set...to one or more respective classifications of the second set (see full discussion of the Conversion Engine, from ¶ [0023-0029]; see also from [0036]). Given Lewis’ teaching of obtaining financial accounting information in the form of ledgers with account classification given by a chart of accounts (see column 14 line 57 and column 19 from line 37), although not expressly providing details on how the business rules stored in database tables would be applied to convert customer and counterparty data to standard set of performance classifications (see column 6 from line 7), it would have been obvious to one of ordinary skill in the art at the time of invention to apply a conversion map process as in MaGuire to convert accounting information for one business under one set chart of accounts to a standard chart of accounts for consolidating financial accounting information, with the advantage of consolidating and aggregating the most accurate financial information available on the business, the accounting information as reported by the business’ own ledger-based accounting. The standardized database from which analyses on the accounting information could then be performed is thus maximized with regard to the financial data available for decisions of customers and counterparties and other requestors of data of Lewis’ system according the stated advantages and benefits of such analyses (see Lewis, column 4, from line 54, *inter alia*).

Claim 3

Lewis teaches at least one electronic report includes *at least one alert indicator to identify at least one performance metric of the converted performance information having a variance from a corresponding predetermined value that exceeds an adjustable threshold associate with the performance metric* (see from column 5 line 55: express object of invention to provide alerts, with detailed discussion of Notification Server, from column 15, line 58, teaching alerts electronically sent to users when a limit has been exceeded on performance information received and converted into the system). Lewis' predetermined threshold values are *determined by at least one recipient* (see column 5 from line 55; column 6 from line 29; column 18 from line 6; column 19 from line 66; and column 22 from line 7);

Claims 4 and 5

Lewis teaches wherein the predetermined value includes a value of the performance metric from a previous period (see column 18, line 7: alerts also sent to users when prices change in excess of pre-set change tolerances, the tolerances plus the previous price being a "target value" set for the performance metric).

Claim 6

Lewis teaches or suggests claim 3 as above; however, with respect to alerts generated and based on converted performance information, Lewis does not expressly teach *wherein the predetermined value includes a value representative of an industry average for the performance metric.*

Official Notice is taken that it is old and well known to compare the performance of a stock or other financial instrument as measured by its price, to an industry or sector price index, the index computed as an average of stock price for the industry or sector. Such comparison is known to provide a measure of the relative performance of a securities price to its industry peer stocks.

Given Lewis' teaching of alerts based on performance metrics using predetermined values with thresholds being exceeded, or in variance from target values, and further Lewis' teaching of a Market Data Information Server (described first from column 16 from line 18), the Market Data Server obtaining data from financial information services Bloomberg and Reuters (line 36) including information on traded securities (column 18 from line 37) and for each security at least "technical indicators" (Table 1), it would have been obvious to one of ordinary skill in the art at the time of invention to set an alert wherein the predetermined value includes a value representative of an industry average (i.e. a stock or sector index), as this would have provided an indication that a stock of interest was experiencing price moves above or below peer stocks in the industry. This would have indicated to a user interested in or owning a particular stock that the stock's price behavior was out of sync with the industry, thereby alerting the user to an opportunity for gain or loss in the particular stock, apart from any fluctuation common to the industry or sector, for example, seasonal variation.

Claim 7

Claim 7 substantially recites method steps of claim 1, repeating the process of claim 1 for a *second business*; that is, the *obtaining, converting, aggregating* and *analyzing* of performance information is performed on performance information in performance classifications converted from a *third set* of performance classifications to the second set (the standard or common set).

Lewis teaches or suggests claim 1 as above, including performing the obtaining, converting, aggregating, and analyzing for a *second business* (see at least column 2 from line 10 “Consolidation” and “Integration”); however, Lewis does not expressly teach the converting of performance classifications a second business in a *third format*, converting the performance information to a standard format (the *second format* of claim 1).

MaGuire teaches use of the conversion system in commercial lending, trade finance, etc. to consolidate financial information of other businesses at a commercial lender (see from ¶ [0026]; and also ¶ [0021]) describing consolidating banking information from different branches, departments, countries, and *customers* (customer financial information constitutes performance information from a *second business* potentially in a *third classifications format*, the international GAAP format of a foreign (non-US) customer).

It would be obvious to one of ordinary skill in the art at the time of invention that performing the conversion of performance classifications using a mapping as taught in MaGuire, to convert accounting information for one business under one set chart of

accounts, to a standard chart of accounts, for consolidating financial accounting information, would give the same advantage of consolidating and aggregating the most accurate financial information, on a second business. The standardized database from which analyses on the accounting information could then be performed is thus maximized with regard to the financial data available for decisions of customers and counterparties and other requestors of data of Lewis' system according the stated advantages and benefits of such analyses (see Lewis, column 4, from line 54, *inter alia*).

Claim 8

Lewis' teaching of generating at least one electronic report on the second business is inherent to the capability of generating a report on a first business.

Claim 9

Lewis' teaching of analyzing at least one performance metric based on one or more representative performance metrics from the aggregated converted performance information in inherently a capability applicable to a second business (see Figure 1 Items 150 and related discussion of analysis modules; see all "Consolidation" and "Integration" throughout).

Claims 10 and 12

Lewis teaches obtaining performance information and providing electronic reports via a website (see Figure 1 Item 120 and discussion throughout).

Claim 13

Lewis teaches the conversion of the performance information is performed at least in part using one or more software programs (see column 9 from line 16, the “Accounting Information Server” is part software program).

Claim 15

Lewis teaches wherein the business is one of a private business, a public business, a non-profit, or government agency (see Summary of Invention: at least one business for which performance information is obtaining is a financial institution which may be any of the stated group of business types).

Claim 16

Lewis teaches at least one performance report includes at least one alert indicator to identify at least one performance metric of the converted performance information having a variance from a corresponding predetermined value that exceeds an adjustable threshold associate with the performance metric (see from column 5 line 55: express object of invention to provide alerts, with detailed discussion of Notification Server, from column 15, line 58, teaching alerts electronically sent to users when a limit has been exceeded on performance information received and converted into the system).

Claims 17 and 18

Lewis teaches wherein the predetermined value includes a value of the performance metric from a previous period (see column 18, line 7: alerts also sent to

users when prices change in excess of pre-set change tolerances, the tolerances plus the previous price being a “target value” set for the performance metric).

Claim 19

Lewis teaches claim 16 as above; however, with respect to alerts generated and based on converted performance information, Lewis does not expressly teach *wherein the predetermined value includes a value representative of an industry average for the performance metric.*

Official Notice is taken that it is old and well known to compare the performance of a stock or other financial instrument as measured by its price, to an industry or sector price index, the index computed as an average of stock price for the industry or sector. Such comparison is known to provide a measure of the relative performance of a securities price to its industry peer stocks.

Given Lewis' teaching of alerts based on performance metrics using predetermined values with thresholds being exceeded, or in variance from target values, and further Lewis' teaching of a Market Data Information Server (described first from column 16 from line 18), the Market Data Server obtaining data from financial information services Bloomberg and Reuters (line 36) including information on traded securities (column 18 from line 37) and for each security at least “technical indicators” (Table 1), it would have been obvious to one of ordinary skill in the art at the time of invention to set an alert wherein the predetermined value includes a value representative of an industry average (i.e. a stock or sector index), as this would have provided an indication that a stock of interest was experiencing price moves above or

below peer stocks in the industry. This would have indicated to a user interested in or owning a particular stock that the stock's price behavior was out of sync with the industry, thereby alerting the user to an opportunity for gain or loss in the particular stock, apart from any fluctuation common to the industry or sector, for example, seasonal variation.

Claim 20

Lewis teaches wherein the alert is delivered via a text message (column 15 from line 58; column 17 from line 42).

Claim 21

Lewis teaches delivering a portion of the converted performance information to at least one requesting party as one or more data files having a format compatible with software operated by the requesting party (see column 17 from line 42, sending data to user in an XML file or in a format compatible with the requestors legacy application).

Claim 22

Lewis teaches wherein the performance information includes financial information where the performance classifications are financial accounts (see column 14 from line 12 to column 14 line 59).

Claim 23

Lewis teaches wherein the performance information includes operational information where the performance classifications are operational classifications (see column 19 from line 37, teaching operational classifications of the performance information consolidated by Customer/Counterparty Information Server).

Claims 24 and 25 recite substantially the method of claim 1, and are similarly rejected for reasons given above. With regard to the *electronic data file uploaded via the GUI* see the interpretation taken on *via the GUI* in section Rejections under 112, 2<sup>nd</sup> paragraph, above and further, in Lewis Figure 1 Items 140 “thin clients” and 120 “web server” and related discussion on uploading data to the system).

Claim 27

Lewis teaches wherein the business is one of a private business, a public business, a non-profit, or government agency (see Summary of Invention: at least one business for which performance information is obtaining is a financial institution which may be any of the stated group of business types).

Claim 28

Lewis teaches at least one performance report includes at least one alert to the requesting party, identifying at least one performance metric of the converted performance information having a variance from a corresponding predetermined value that exceeds an adjustable threshold associate with the performance metric (see from column 5 line 55: express object of invention to provide alerts, with detailed discussion of Notification Server, from column 15, line 58, teaching alerts electronically sent to users when a limit has been exceeded on performance information received and converted into the system).

Claim 29

Lewis teaches wherein the alert is delivered via a text message (column 15 from line 58; column 17 from line 42).

Claim 30

Lewis teaches delivering at least a portion of the converted performance information to a requesting party as one or more data files having a format compatible with software operated by the requesting party (see column 10 from line 20, HTML is format compatible with software (a browser) operated by the requesting party).

Claim 31

Lewis teaches wherein the performance information includes financial information where the performance classifications are financial accounts (see column 14 from line 12 to column 14 line 59).

Claim 32

Lewis teaches wherein the performance information includes operational information where the performance classifications are operational classifications (see column 19 from line 37, teaching operational classifications of the performance information consolidated by Customer/Counterparty Information Server).

Claim 33

Lewis teaches a network-based performance information management system for automated management of performance information associated with at least one private business (see Summary of Invention; Claim 1), including a performance information receipt module that receives performance information uploads in the form of an electronic data file containing business performance information associated with a business performance information (see Figure Items 100 and 112, respectively, the “Interface Transformation Server” and the

"Customer/Counterparty Information Server", both receiving performance information in the form of electronic information, the former receiving electronic data on a transaction/message basis and the latter expressly receiving transaction/message data and as "legacy data files" at column 19 line 43), the performance information having a first format based on a first set of performance classifications (see from column 13, line 61 to column 14, line 47);

a mapping module, including a map database, that converts the performance information from the first format to a second standardized format based at least in part on a mapping between one or more performance classifications of the first set of performance classifications, and one or more performance classifications of a second set of performance classifications, the mapping maintained in the map database (see column 14 from line 1, the system performing business rules from a business rule database against data from disparate sources into standardized business objects representing standard performance classifications);

a database module for storing the converted information with information associated with at least one other business thereby creating a standardized database of private company performance information (see Figure 1 Item 115 and related discussion, the database storing accumulated, standardized data on one or more businesses);

an analysis module for analyzing the converted performance information based at least in part on one or more performance metrics (see numerous analysis modules at Figure 1 Items 150 and related discussion); and

a performance report/alert generation module for generating at least one performance report based on results of the analysis module, the performance report/alert generation module providing the at least one performance report to at least one requesting party (see Figure 1 Item 190, the “Reporting Engine” and related discussion, esp. column 22 from line 7);

Lewis does not expressly teach that *the performance information is a trial balance report*. However, Lewis does teach receiving information through the Customer/Counterparty Information Server from “typical sources” such as legacy customer or counterparty data files (see column 19 from line 37) the information represented by a ledger-based accounting system, i.e. financial accounting information in terms of debit and credit accounts), and Lewis expressly discloses information in accounts classified by a chart of accounts (see column 14 line 57).

MaGuire teaches receiving financial accounting performance information represented by performance classifications from financial statements produced in accordance with generally accepted accounting principles (GAAP), and expressly discloses reclassifying and grouping applicable financial *accounts* to handle GAAP conversion items such as certain balance-sheet items. A balance-sheet is known in the art as a form of *trial balance*.

It would have been obvious to one of ordinary skill in the art at the time of invention that the performance information contained in a *trial balance report* is substantially anticipated by the financial accounting information described by Lewis as received from financial accounting system of the Customer/Counterparty, the

information stored in the form of a general ledgers with accounts classifications given by a chart of accounts (see, again, column 14 line 57 and column 19 from line 37).

Receiving performance information from a *trial balance report containing performance information associated with a business*, and the obtaining of performance information associated with a business as in Lewis, would have been known to have the equivalent effect of obtaining from a trial balance report the performance (accounting) information on the business, with the effect and advantage of consolidating and aggregating the most accurate financial information available on the business, the accounting information as reported by the business' own ledger-based accounting.

Claim 35

Lewis teaches at least one performance report includes at least one alert indicator to identify at least one performance metric of the converted performance information having a variance from a corresponding predetermined value that exceeds an adjustable threshold associate with the performance metric (see from column 5 line 55: express object of invention to provide alerts, with detailed discussion of Notification Server, from column 15, line 58, teaching alerts electronically sent to users when a limit has been exceeded on performance information received and converted into the system).

Claims 36 and 37

Lewis teaches wherein the predetermined value includes a value of the performance metric from a previous period (see column 18, line 7: alerts also sent to

users when prices change in excess of pre-set change tolerances, the tolerances plus the previous price being a “target value” set for the performance metric).

Claim 38

Lewis teaches claim 35 as above; however, with respect to alerts generated and based on converted performance information, Lewis does not expressly teach *wherein the predetermined value includes a value representative of an industry average for the performance metric.*

Official Notice is taken that it is old and well known to compare the performance of a stock or other financial instrument as measured by its price, to an industry or sector price index, the index computed as an average of company stock prices for the industry or sector. Such comparison is known to provide a measure of the relative performance of a company to its industry peer stocks.

Given Lewis' teaching of alerts based on performance metrics using predetermined values with thresholds being exceeded, or in variance from target values, and further Lewis' teaching of a Market Data Information Server (described first from column 16 from line 18), the Market Data Server obtaining data from financial information services Bloomberg and Reuters (line 36) including information on traded securities (column 18 from line 37) and for each security at least “technical indicators” (Table 1), it would have been obvious to one of ordinary skill in the art at the time of invention to set an alert wherein the predetermined value includes a value representative of an industry average (i.e. a stock or sector index), as this would have provided an indication that a stock of interest was experiencing price moves above or

below peer stocks in the industry, thereby indicating to a user interested in or owning a particular stock that the stock's price behavior was out of sync with the industry, and alerting the user to an opportunity for gain or loss in the particular stock apart from any fluctuation common to the industry or sector, for example, seasonal variation.

Claim 39

Claim 39 substantially recites system of claim 33, repeating the process carried out by the system of claim 33 for a *second business*; that is, the *obtaining, converting, aggregating and analyzing* of performance information is performed on performance information in performance classifications converted from a *third set* of performance classifications to the second set (the standard or common set).

Lewis teaches or suggests claim 33 as above, including performing the obtaining, converting, aggregating, and analyzing for a *second business* (see at least column 2 from line 10 "Consolidation" and "Integration"); however Lewis does not expressly teach the converting of performance classifications a second business in a *third format*, converting the performance information to a standard format (the *second format* of claim 1).

MaGuire teaches use of the conversion system in commercial lending, trade finance, etc. to consolidate financial information of other businesses at a commercial lender (see from ¶ [0026]; and also ¶ [0021]) describing consolidating banking information from different branches, departments, countries, and *customers* (customer financial information constitutes performance information from a *second business*

potentially in a *third classifications format*, the international GAAP format of a foreign (non-US) customer).

It would be obvious to one of ordinary skill in the art at the time of invention that performing the conversion of performance classifications using a mapping as taught in MaGuire, to convert accounting information for one business under one set chart of accounts, to a standard chart of accounts, for consolidating financial accounting information, would give the same advantage of consolidating and aggregating the most accurate financial information, on a second business. The standardized database from which analyses on the accounting information could then be performed is thus maximized with regard to the financial data available for decisions of customers and counterparties and other requestors of data of Lewis' system according the stated advantages and benefits of such analyses (see Lewis, column 4, from line 54, *inter alia*).

Claim 40

Lewis' teaching of generating at least one electronic report on the second business is inherent to the capability of generating a report on a first business.

Claim 41

Lewis' teaching of analyzing at least one performance metric based on one or more representative performance metrics from the aggregated converted performance information in inherently a capability applicable to a second business (see Figure 1 Items 150 and related discussion of analysis modules; see all "Consolidation" and "Integration" throughout).

Claims 42 and 44

Lewis teaches a performance report/alert generation module includes a website (having webpages) adapted to receive the performance information (see Figure 1 Item 120 and discussion throughout).

Claim 46

Lewis teaches wherein the business is one of a private business, a public business, a non-profit, or government agency (see Summary of Invention: at least one business for which performance information is obtaining is a financial institution which may be any of the stated group of business types).

Claim 47

Lewis teaches the performance report/alert module includes at least one alert indicator to identify at least one performance metric of the converted performance information having a variance from a corresponding predetermined value that exceeds an adjustable threshold associate with the performance metric, that is set by the requesting party (see from column 5 line 55: express object of invention to provide alerts, with detailed discussion of Notification Server, from column 15, line 58, teaching alerts electronically sent to users when a limit has been exceeded on performance information received and converted into the system; especially column 16 line 4).

Claim 48 and 49

Lewis teaches wherein the predetermined value includes a value of the performance metric from a previous period (see column 18, line 7: alerts also sent to

users when prices change in excess of pre-set change tolerances, the tolerances plus the previous price being a “target value” set for the performance metric).

Claim 50

Lewis teaches claim 47 as above; however, with respect to alerts generated and based on converted performance information, Lewis does not expressly teach *wherein the predetermined value includes a value representative of an industry average for the performance metric.*

Official Notice is taken that it is old and well known to compare the performance of a stock or other financial instrument as measured by its price, to an industry or sector price index, the index computed as an average of company stock prices for the industry or sector. Such comparison is known to provide a measure of the relative performance of a company to its industry peer stocks.

Given Lewis' teaching of alerts based on performance metrics using predetermined values with thresholds being exceeded, or in variance from target values, and further Lewis' teaching of a Market Data Information Server (described first from column 16 from line 18), the Market Data Server obtaining data from financial information services Bloomberg and Reuters (line 36) including information on traded securities (column 18 from line 37) and for each security at least “technical indicators” (Table 1), it would have been obvious to one of ordinary skill in the art at the time of invention to set an alert wherein the predetermined value includes a value representative of an industry average (i.e. a stock or sector index), as this would have provided an indication that a stock of interest was experiencing price moves above or

below peer stocks in the industry, thereby indicating to a user interested in or owning a particular stock that the stock's price behavior was out of sync with the industry, and alerting the user to an opportunity for gain or loss in the particular stock apart from any fluctuation common to the industry or sector, for example, seasonal variation.

Claim 51

Lewis teaches wherein the alert is delivered via a text message (column 15 from line 58; column 17 from line 42).

Claim 52

Lewis teaches delivering a portion of the converted performance information to at least one requesting part as one or more data files having a format compatible with software operated by the requesting party (see column 17 from line 42, sending data to user in an XML file or in a format compatible with the requestors legacy application).

Claim 53

Lewis teaches wherein the performance information includes financial information where the performance classifications are financial accounts (see column 14 from line 12 to column 14 line 59).

Claim 54

Lewis teaches wherein the performance information includes operational information where the performance classifications are operational classifications (see column 19 from line 37, teaching operational classifications of the performance information consolidated by Customer/Counterparty Information Server).

Claims 55 and 57-63 recite substantially a system for automating the methods of claims 1, 3-10, 12, 13, 15-25, and 27-32, are similarly rejected for reasons given above for the respective claim and claim limitations.

Claim 100 recites substantially the method of claim 1, and is similarly rejected for reasons given above, and further that Lewis teaches model “visualization” (see Figure 1 Item 145) and including producing historical queries and reports across a historical period” (column 21 from line 63).

Claim 101 recites a system substantially identical to claim 35, and is similarly rejected for reasons given above.

Claim 102 recites a method substantially identical to claim 10, i.e. performing the method of claim 1 by obtaining data over the Internet (via a website), and is similarly rejected for reasons given above.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Marcial et al (US Pat. 7,340,421) teaches an online, internet-based accounting reconciliation server for receiving accounting information from private business accounting systems, including businesses and subsidiaries submitting accounting information to balance accounts, and further including the user setting alerts based on account variances.

Land et al (US Pat. 7,249,074) teaches an online, internet-accessible accounting information data server, system and automated methods for receiving accounting data from multiple businesses including setting alerts based on the account balances and other accounting positions of the businesses for credit evaluation purposes.

Thompson et al (US Pat. 6,668,253) teaches financial accounting data warehouse systems and automated methods for aggregating enterprise accounting information management to a standardized database for consolidation and reporting of financial data, including a cleansing operation that adjusts accounting data formats from a first format to the standardized format of the data warehouse.

Brichta (US Pat. 5,884,310), Hausman (US Pat. Pub. 2003/0126056), Del Rey et al (US Pat. Pub. 2006/0106703), and Steier (US Pat. Pub. 2005/0222929) each teach aspects of aggregation of accounting data for a client from multiple online systems providing central and standardized access to online accounts including user capability to set alerts on financial account balances and transaction thresholds.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave Robertson whose telephone number is (571)272-8220. The examiner can normally be reached on 8:45am to 4:15pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dave Robertson/  
Examiner, Art Unit 3623

/Romain Jeanty/  
Primary Examiner, Art Unit 3623  
March 24, 2008